

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JONATHAN J. GODWIN,

Plaintiff,

v.

Case No. 6:19-cv-1643-Orl-37EJK

IMCMV DAYTONA LLC,

Defendant.

Plaintiff sued his former employer for failure to pay overtime wages and failure to fully credit hours worked under the Fair Labor Standards Act (“**FLSA**”). (See Doc. 1.) The parties moved for approval of their FLSA settlement agreement under *Lynn’s Food Stores, Inc. v. United States ex rel. United States Department of Labor*, 679 F.2d 1350, 1355 (11th Cir. 1982). (Doc. 41 (“**Motion**”); Doc. 41-1 (“**Agreement**”).) On referral, U.S. Magistrate Judge Embry J. Kidd recommends granting the Motion in part, severing a portion of the release provision, but otherwise approving the Agreement, finding it fair and reasonable. (Doc. 42 (“**R&R**”).)

The parties do not object to the R&R (Doc. 43), so the Court has examined it only for clear error. See *Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); see also *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding none, the R&R is adopted in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Embry J. Kidd’s Report and Recommendation

(Doc. 42) is **ADOPTED, CONFIRMED**, and made a part of this Order.

2. The parties' Joint Motion for Settlement Approval and Dismissal (Doc. 41) is **GRANTED IN PART AND DENIED IN PART**:

- a. The portion of the Release Provision that reads "Florida Minimum Wage Act, or any federal, state, or common law" (Doc. 41-1, ¶ 3) is **SEVERED** (*see also* Doc. 42, pp. 6-8);
- b. In all other respects, the Motion is **GRANTED**.

3. As modified above, the parties' FLSA Settlement Agreement (Doc. 41-1) is **APPROVED**.

4. This case is **DISMISSED WITH PREJUDICE**.

5. The Clerk is **DIRECTED** to terminate all pending motions and close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 26, 2021.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record